

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EUGENE VOLOKH, RUMBLE CANADA  
INC., and LOCALS TECHNOLOGY INC.,

*Plaintiffs,*

v.

LETITIA JAMES, in her official capacity as  
New York Attorney General,

*Defendant.*

Civil Action No.: 1:22-cv-10195

**DECLARATION OF DARPANA  
SHETH IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

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In accordance with 28 U.S.C. § 1746, I, Darpana Sheth, declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts in this declaration.
2. I am an attorney with the Foundation for Individual Rights and Expression, counsel for Plaintiffs in this action. I am admitted to the bar of the State of New York.
3. A true and correct copy of New York General Business Law § 394-ccc (the “Online Hate Speech Law”), downloaded from the New York State Senate website, is attached as **Exhibit A**.
4. A true and correct copy of Governor Hochul’s June 6, 2022 press conference may be viewed at [https://www.youtube.com/watch?v=SNrci\\_ey8L4&t=750s](https://www.youtube.com/watch?v=SNrci_ey8L4&t=750s).
5. A true and correct copy of the May 18, 2022 press release issued by Attorney General Letitia James, downloaded from the Attorney General’s website, is attached as **Exhibit B**.

6. A true and correct copy of the October 18, 2022 press release issued by Attorney General James, downloaded from the Attorney General's website, is attached as **Exhibit C**.

7. A true and correct copy of the Attorney General's investigative report on the role of online platforms in the tragic mass shooting in Buffalo on May 14, 2022, is attached as **Exhibit D**.

8. A true and correct copy of Plaintiff Eugene Volokh's blog post on The Volokh Conspiracy titled "New N.Y. Law Aimed at Getting Social Media Platforms to Restrict 'Hateful' Speech" is attached as **Exhibit E**.

9. A true and correct copy of Plaintiff Eugene Volokh's *Washington Post* article titled "No, there's no 'hate speech' exception to the First Amendment" is attached as **Exhibit F**.

10. A true and correct copy of the transcript of the June 1, 2022 session of the New York State Assembly, downloaded from the Assembly website, is attached as **Exhibit G**.

11. A true and correct copy of the Chicago Journal of International Law comment titled "Regulating Hate Speech: Nothing Customary About It" is attached as **Exhibit H**.

12. A true and correct copy of an interview by ReasonTV discussing a satirical tweet by the Babylon Bee calling the Biden Administration's Assistant Secretary for Health Rachel Levine its "man of the year" may be viewed at <https://rumble.com/v1h339k-babylon-bee-wont-back-down-over-trans-joke-twitter-ban.html>.

13. A true and correct copy of an historical video of Malcom X discussing white people's guilt may be viewed at <https://www.youtube.com/watch?v=q0nNSRuSzx4>.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

Executed on December 6, 2022.

/s/ *Darpana Sheth*

Darpana Sheth

## **CERTIFICATE OF SERVICE**

Plaintiff's counsel confirms that a true and correct copy of the foregoing was served via the Court's electronic filing system on this day, December 6, 2022. Notice of this filing will be sent by operation of the Court's electronic filing system

DATED: December 6, 2022

Respectfully submitted,

/s/ Darpana Sheth

Darpana Sheth  
(New York Bar No. 4287918)  
DANIEL M. ORTNER\*  
(California State Bar No. 329866)  
JAMES M. DIAZ\*  
(Vermont Bar No. 5014)  
FOUNDATION FOR INDIVIDUAL RIGHTS AND  
EXPRESSION  
510 Walnut Street, Suite 1250  
Philadelphia, PA 19106  
Telephone: (215) 717-3473  
darpana.sheth@thefire.org  
daniel.ortner@thefire.org  
jay.diaz@thefire.org

BARRY N. COVERT\*\*  
(N.Y. Bar No. 271118)  
LIPSITZ GREEN SCIME CAMBRIA LLP  
42 Delaware Ave Suite 120  
Buffalo, NY 14202  
Tel: 716 849 1333 x 365  
bcovert@lglaw.com

*Attorneys for Plaintiff*

*\*Pro Hac Vice* Motions Forthcoming

\*\* S.D.N.Y. Admission Pending